

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. STATEMENT OF FACTS**

3 On September 14, 2016, a federal grand jury sitting in Clark County, Nevada returned a
4 Superseding Criminal Indictment charging the Defendant, Rosanna Stroud (hereinafter
5 “Stroud”), with one count of Conspiracy to Distribute Controlled Substances in violation of 18
6 U.S.C. §§ 841(a)(1), (b)(1)(C) and 846.

7 **II. LEGAL ARGUMENT**

8 A presentence investigation may be initiated prior to entry of a guilty plea or nolo
9 contendere or prior to the establishment of guilt. *See generally* Fed. R. Crim. P. 32.

10 Counsel requires a pre-plea presentence investigation report to accurately determine
11 Ms. Stroud’s criminal history score.

12 Counsel understands that Ms. Stroud does not have prior felony convictions. However,
13 counsel cannot accurately calculate Ms. Stroud’s criminal history score because she appears to
14 have additional criminal history in other jurisdictions. Additionally, Ms. Stroud may have
15 criminal history under additional aliases or personal identifiers which are not known to
16 counsel. As such, counsel cannot accurately predict Ms. Stroud’s criminal history score
17 without the information that would be provided in a pre-plea presentence investigation report.

18 Ms. Stroud’s criminal history score will drastically impact the potential plea agreement
19 currently being considered, and her sentencing exposure. In addition, the timing of Ms.
20 Stroud’s prior convictions could impact her sentencing guideline range and criminal history
21 score. A pre-plea presentence investigation report will promote judicial economy and could
22 greatly expedite the manner in which this case is resolved.

1 Ms. Stroud consents to the pre-plea presentence investigation, and the Government,
2 through Robert Knief, has indicated it has no objection to the instant request.

3 Therefore, undersigned counsel respectfully requests this Honorable Court issue an
4 Order directing the United States Department of Parole & Probation to conduct a pre-plea
5 presentence investigation report of Ms. Stroud.

6 **III. CONCLUSION**

7 Based on the foregoing, Defendant asks this Court to grant her Motion to Conduct a
8 Pre-Plea Presentence Investigation Report. Defendant further requests this Court order the
9 United States Department of Parole & Probation to conduct a pre-plea presentence
10 investigation report of Ms. Stroud as soon as possible.

11
12 Dated this 28th day of December, 2017.

13 /s/ Lucas J. Gaffney
14 LUCAS J. GAFFNEY, ESQ.
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17 Las Vegas, NV 89145
18 *Attorney for Rosanna Stroud*
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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROSANNA STROUD,

Defendant.

CASE NO: 2:16-cr-00230-GMN-CWH

ORDER

IT IS HEREBY ORDERED that that the United States Department of Parole and Probation will prepare a Pre-Plea Presentence Investigation Report on Defendant ROSANNA STROUD.

DATED this 29 day of December, 2017.


UNITED STATES DISTRICT JUDGE

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That on December 28, 2017, I served an electronic copy of the above and foregoing UNOPPOSED MOTION TO CONDUCT A PRE-PLEA PRESENTENCE INVESTIGATION REPORT AND PROPOSED ORDER by electronic service (ECF) to the person(s) named below:

ROBERT KNIEF
Assistant United States Attorney
333 Las Vegas Blvd. South, #5000
Las Vegas, NV 89101
Counsel for United States

/s/ Lucas Gaffney
Employee of Gaffney Law